THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 11444 of 2007

DATE: 24-08-2007

Between :

Edarapalli Krishnaveni

… Petitioner

And

The Tahsildar,
Kruthivennu Mandal,
Krishna District and 3 others.

… Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 11444 of 2007

ORDER:

Against the order dated 03-01-2007 appointing the 4th respondent herein as the authorized dealer of the fair price shop of Pallipalem village, Krithivennu Mandal, Bandar Division, the petitioner preferred an appeal before the 3rd respondent-Joint Collector. Having entertained the appeal, the 3rd respondent by order dated 06-03-2007 granted interim stay. However, subsequently, the 3rd respondent has taken up the matter suo moto and after reexamining the issue passed an order dated
30-04-2007 keeping the earlier order dated 06-03-2007 in abeyance on the ground of pendency of proceedings before this Court. The said order is under challenge in this writ petition.

I have heard the learned counsel for the petitioner as well as the learned counsel appearing for the 4th respondent and the learned Government Pleader appearing for respondents 1 and 2.

It is to be noted that W.P.No.2938 of 2007 filed by the 4th respondent herein seeking a direction for release of the commodities pursuant to the order of his appointment dated
03-01-2007, was disposed of by this Court as infructuous on the basis of the representation made on behalf of the respondents that the commodities were already released to the petitioner therein. However, subsequently, the 4th respondent was constrained to initiate contempt

proceedings since the commodities were not issued to him for distribution to the cardholders. The said contempt case is pending and having taken note of the same the 3rd respondent appears to have subsequently passed the impugned order.

Though the learned counsel for the petitioner raised various contentions assailing the impugned order, I am not inclined to express any opinion on merits, since the impugned order is only an interim order pending the appeal before the 3rd respondent.

Since admittedly the statutory appeal is pending before the 3rd respondent, it is for him to hear both parties and pass appropriate orders as to the validity or otherwise of the order of appointment dated 03-01-2007.

It is not disputed by the learned counsel for the petitioner that pursuant to the impugned order dated 30-04-2007, the 4th respondent has been distributing the essential commodities to the cardholders for the past more than four months.

In the circumstances, I deem it appropriate to dispose of the writ petition with a direction to the 3rd respondent to dispose of the main appeal itself pending on his file as expeditiously as possible preferably within a period of four weeks from the date of receipt of a copy of this order following due process of law. Till such time, the 4th respondent shall be allowed to distribute the commodities to the cardholders in terms of the appointment order dated
03-01-2007. No costs.

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G. ROHINI, J.

Date:24-08-2007
Note: Issue C.C. in one week.
B/o
KLP